

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Norwood Township Citizens of Health & Safety v Wayne Wynkoop**
Docket No. **277608**
L.C. No. **06-043821 CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the March 26, 2007, order, which stems from an appeal to the circuit court from a tribunal, is not an order that is appealable as a matter of right. MCR 7.203(A)(1)(a). MCL 125.3606(3) does not provide for an appeal of right, it only provides for an appeal. When this Court was faced with a very similar statute regarding an appeal from the Teacher Tenure Commission, this Court concluded that since the statute failed to specifically indicate the appeal was by right, any appeal had to be by application for leave to appeal. See *Watt v Ann Arbor Board of Education*, 234 Mich App 701 (1999). The legislature clearly is able to state when there is an appeal of right. See MCL 462.26(1) and MCL 205.753 for examples. As a result, appellants may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2007

Date

Sandra Schultz Mengel
Chief Clerk